

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE VEECO INSTRUMENTS INC. :
SECURITIES LITIGATION : 05 MD 1695 (CM)(GAY)
:
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THIS DOCUMENT RELATES TO: :
ALL ACTIONS :
:
----- x

**DECLARATION OF J. ROSS WALLIN IN SUPPORT OF DEFENDANTS'
OPPOSITION TO LEAD PLAINTIFF'S MOTION TO VACATE AND REVERSE
THE DISCOVERY ORDER OF MAGISTRATE JUDGE GEORGE A. YANTHIS**
DATED JANUARY 26, 2007

REDACTED

**(ORIGINAL NON-REDACTED VERSION FILED UNDER SEAL PURSUANT TO
CONFIDENTIALITY ORDER DATED MAY 16, 2006)**

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*Attorneys for Defendants Veeco Instruments Inc.,
Edward H. Braun, John F. Rein, Jr. and John P.
Kiernan*

February 21, 2007

J. ROSS WALLIN declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a lawyer with the law firm of Gibson, Dunn & Crutcher LLP, counsel to Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr., and John P. Kiernan in this action.

2. Attached hereto as Exhibit A is a true and correct copy of a letter from Defendants to the Court, dated February 15, 2007, regarding Lead Plaintiff's request to reschedule remaining depositions.

3. Attached hereto as Exhibit B is a true and correct copy of an email and attached schedule, dated December 4, 2006, from Defendants to Lead Plaintiff regarding scheduling of depositions.

4. Attached hereto as Exhibit C is a true and correct copy of a letter from Defendants to Lead Plaintiff, dated January 19, 2007, regarding scheduling of depositions.

5. Attached hereto as Exhibit D is a true and correct copy of a letter from Defendants to Lead Plaintiff, dated January 25, 2007, regarding scheduling of depositions after the stipulation to extend the discovery schedule.

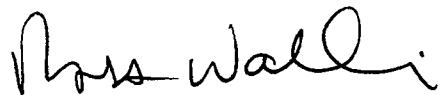
6. Attached hereto as Exhibit E is a true and correct copy of a letter from Defendants to Lead Plaintiff, dated January 31, 2007, regarding scheduling of depositions **REDACTED**

REDACTED

7. Attached hereto as Exhibit F is a true and correct copy of a letter from Lead Plaintiff to Defendants, dated January 30, 2007, requesting information regarding Defendants' search of backup tapes.

8. Attached hereto as Exhibit G is a true and correct copy of a letter from Defendants to Lead Plaintiff, dated February 2, 2007, providing information regarding Defendants' search of backup tapes.

Executed on February 21, 2007



J. Ross Wallin